

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. ~~23-MJ-8506-RMM~~ ~~XXXXXX~~ 23-mj-8605-RMM

UNITED STATES OF AMERICA

vs.

SMITH PIERRE,

Defendant.

FILED BY SP D.C.

Dec 14, 2023

ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S. D. OF FLA. - West Palm Beach

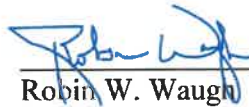
CRIMINAL COVER SHEET

1. Did this matter originate from a matter pending in the Northern Region of the United States Attorney's Office prior to August 8, 2014 (Mag. Judge Shaniek M. Maynard)? No
2. Did this matter originate from a matter pending in the Central Region of the United States Attorney's Office prior to October 3, 2019 (Mag. Judge Jared M. Strauss)? No
3. Did this matter involve the participation of or consultation with now Magistrate Judge Eduardo I. Sanchez during his tenure at the U.S. Attorney's Office, which concluded on January 22, 2023? No

Respectfully submitted,

MARKENZY LAPOINTE
UNITED STATES ATTORNEY

By:



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AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

United States of America

v.

SMITH PIERRE,

Defendant

Case No. 23-MJ-8605-RMM

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CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On

or about the date of Nov. 15, 2023

in the county of Palm Beach in the

Southern District of Florida

, the defendant violated:

Code Section

18 U.S.C. § 922(g)(1);

18 U.S.C. § 513(a);

18 U.S.C. § 1028(a)(3);

18 U.S.C. § 1029(a)(3);

and

18 U.S.C. § 1028A(a)(1).

Offense Description

Possession of a firearm by a convicted felon;

Passing a counterfeit obligation of an Organization;

Possession of Five or More Identification Documents;

Possession of Fifteen or More Unauthorized or Counterfeit Access Devices;

and

Aggravated Identity Theft.

This criminal complaint is based on these facts:

See Attached Affidavit in Support of Criminal Complaint

☒ Continued on the attached sheet.



Complainant's signature

Raymond Lagor, TFO, FBI

Printed name and title

Sworn and Attested to me by Applicant by Telephone (Facetime) pursuant to Fed. R. Crim. P. 4(d) and 4.1

Date: 12/14/23



Judge's signature

City and state: West Palm Beach, Florida

Ryon M. McCabe, U.S. Magistrate Judge

Printed name and title

23-MJ-8605-RMM

AFFIDAVIT

I, Raymond Lagor (the "Affiant"), having been duly sworn, do hereby depose and state as follows:

Introduction

1. I am a Task Force Officer ("TFO") with the Federal Bureau of Investigation ("FBI") and I am currently assigned to the Safe Streets Task Force investigating federal firearms offenses and organized crime. Prior to my assignment with the Safe Streets Task Force, I was assigned to the FBI's South Florida Joint Terrorism Task Force. During my tenure with the South Florida Terrorism Task Force, I investigated a variety of federal criminal violations involving international terrorism. I am also a Police Officer with the City of Boynton Beach Police Department ("BBPD"). In my capacity as a Police Office and TFO, I have investigated a variety of criminal violations including robbery, aggravated battery, fraud, sexual battery, illicit narcotics and homicide. As such, I am a "law enforcement officer" of the United States within the meaning of Title 18, United States Code, Section 2510(7), that is, an officer of the United States who is empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in Title 18, United States Code, Section 2516(1).

2. The information in this affidavit is based on my own personal knowledge as well as information imparted to me from other law enforcement officers and agents. The limited purpose of this affidavit is to establish probable cause for the arrest of Smith Pierre ("PIERRE"), for the following offenses: possession of a firearm by a prohibited person - convicted felon, in violation of Title 18, United States Code, Section 922(g)(1); passing a counterfeit obligation of an organization, in violation of Title 18, United States Code, Section 513(a); possession of five or

23-MJ-8605-RMM

more identification documents in violation of Title 18, United States Code, Section 1028(a)(3); possession of fifteen or more unauthorized or counterfeit devices in violation of Title 18, United States Code, Section 1029(a)(3); and aggravated identity theft in violation of Title 18, United States Code, Section 1028A(a)(1). This affidavit is merely intended to show that there is sufficient probable cause for the requested warrant and does not set forth all my knowledge about this investigation.

Probable Cause

3. On September 29, 2023, BBPD Officers were contacted by the Regions Bank Branch Operations Manager, who reported that on August 18, 2023, at about 10:57 PM, a black male, later identified as PIERRE, conducted an ATM deposit of a fraudulent check in the amount of \$60,397.50 United States currency (USC) into Regions Bank account ending in #: 4416. The fraudulent check, identified with check #: 90346, was made payable to "Optimum Look LLC." At the time of the deposit, account ending in #: 4416 had a balance of \$72.78. The Manager advised that the deposit of the fraudulent check was made at an identified Regions Bank branch located in Boynton Beach, Florida. The Branch Manager further reported that during the one-week period which proceeded the deposit and prior to bank officials identifying the check as fraudulent, several cash withdrawals were made from the account ending in #: 4416, which totaled approximately \$57,318.34 USC.

4. Regions Bank officials identified the Regions Bank account number ending in 4416 as a business account with "Optimum Look LLC" as the account holder and listed Jamie Dozier as an authorized signatory.

23-MJ-8605-RMM

5. Review of Regions Bank's surveillance images and cctv video¹ captured PIERRE as he deposited the fraudulent check and Jamie Dozier as she withdrew from the account ending in 4416, large sums of funds, that is, the proceeds of the negotiated fraudulent check.



Figure 1. Regions Bank's CCTV footage of SMITH PIERRE depositing the fraudulent check on August 18, 2023.

6. The payor of the fraudulent check was identified as Coastal Construction of M.D. County, Inc ("Coastal Construction") and the check was drawn on Coastal Construction's BB&T account number ending in #: 7817. Detective Sean Steele interviewed a Coastal Construction representative, who advised that the authorized check, check #: 90346, was made payable to "Moye, O'Brien, Picket and Dillon, LLP." Coastal Construction representative confirmed that the business had never done business with Optimum Look LLC and had previously reported check # 90346 as stolen-in-transit and altered.

¹ CCTV footage identified vehicle driven by PIERRE, a blue BMW bearing Florida Temporary Tag DTL4783. BBPD records revealed that BBPD patrol officers conducted a traffic stop of the same BMW on September 14, 2023. The driver and sole occupant of the vehicle during this stop was identified as B.E. who was charged with driving an unregistered vehicle. It was later discovered that the BMW was a reported stolen vehicle out of Fort Lauderdale, Florida. The vehicle had an altered vehicle identification number (VIN) which obfuscated its stolen status. B.E.'s listed 3142 Quantum Lakes Drive, Boynton Beach, Florida 33426 as her residence.

23-MJ-8605-RMM

7. On November 14, 2023, Boynton Beach Fire Rescue (“BBFR”) responded to PIERRE’s residence in Boynton Beach, after a medical emergency call. While attending to PIERRE, who was combative, BBFR personnel requested assistance from BBPD road patrol. An attending BBFR official advised the responding BBPD patrol officers of his observations while inside PIERRE’s residence, which included his observations of multiple credit cards, numerous checks, and several driver’s licenses depicting different names. The driver’s licenses were purportedly issued out of various States, that is, Florida, New York, and Georgia, and depicted photos of different individuals both male and female. BBFR official also reported his observation of several firearms in plain view inside of the residence.

8. Database check revealed that PIERRE is a convicted felon who was prohibited from possessing firearms and ammunition. A review of Regions Bank’s ATM surveillance image depicting PIERRE on August 18, 2023, revealed what appeared to be the butt of an extended handgun magazine protruding his waistband. (See below).

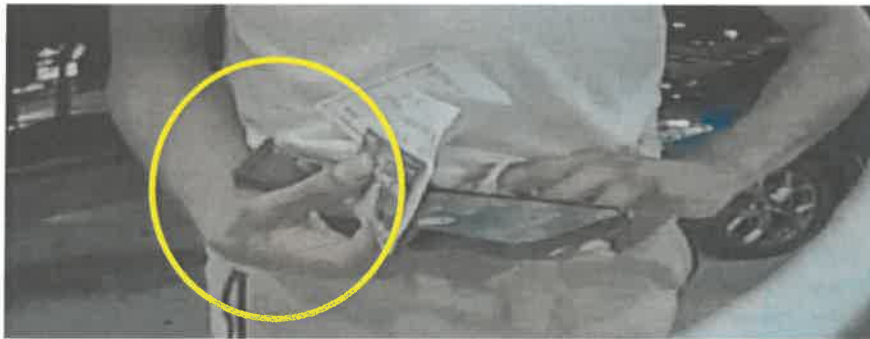


Figure 2. The butt of an extended magazine of a handgun.

9. On November 14, 2023, law enforcement secured a State Court authorized search warrant for PIERRE’s residence in Boynton Beach, Florida. The search warrant was executed on November 15, 2023.

23-MJ-8605-RMM

10. At the time of the execution of search, PIERRE was located in front of the residence to be searched and taken into custody. PIERRE's minor child and B.E., believed to be the mother of PIERRE's minor child, were located inside of the residence. During the search, law enforcement located and seized numerous pieces of evidence, including: (1) approximately two thousand two hundred and eighty-four (2,284) checks scattered about the residence with an aggregate value of approximately \$17,565,300.80 USC; (2) a large volume of blank checks stock; (3) multiple electronic devices; (4) five loaded semi-automatic firearm, more fully described below; (5) approximately one thousand one hundred eighty-four (1,184) gross grams of marijuana; (6) one hundred twelve (112) assorted credit cards in various names; and (7) in excess of five drivers licenses and social security cards in different names. The seized credit cards, identification which did not reflect either PIERRE's or B.E.'s name. However, several of the identification cards appeared to bear the same likeness of PIERRE with various aliases:



Figure 3. Identification documents seized from PIERRE's residence which depicted PIERRE's image and likeness.

23-MJ-8605-RMM

but each depicted a different alias.

11. Law enforcement also seized a computer, which was powered-up and connected to a printer. At the time of the search, the computer's screen displayed an image of a check.

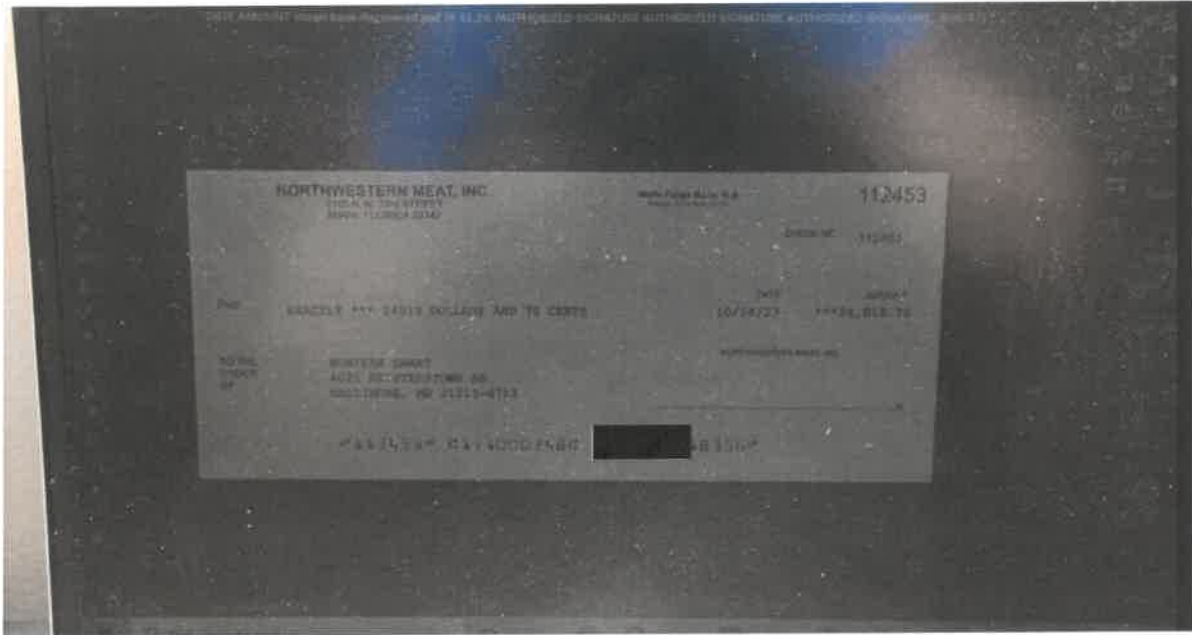


Figure 4. A photo of a computer monitor discovered in PIERRE's residence – depicting a check.

The image on the computer, which displayed check #: 112453, was made payable to Wonyeah Ewart in the amount of \$24,019.70. The listed payor was Northwestern Meat Inc. and the check was drawn on Northwestern Meat Inc.'s Wells Fargo account ending in #: 8356. Of the 2,284 seized checks from PIERRE's residence, there were five checks, which listed payor Northwestern Meat Inc., one of which bore check number 112453, but listed a business payee.

12. Several checks associated with Coastal Construction were found, including one in the amount of \$60,397.50 made payable to "Moye, O'Brien, Picket and Dillon, LLP," as described by the Coastal Construction representative. There is probable cause to believe that PIERRE

23-MJ-8605-RMM

fraudulently reproduced or assisted the fraudulent reproduction of the Coastal Construction check deposited into the Regions Bank account ending 4416 in September 2023.



Figure 5. A check from Coastal Construction of M.D. County, Inc, discovered in PIERRE's residence.

In connection with Coastal Construction, law enforcement discovered numerous other checks listing other Coastal Construction related business entities as the payor: Coastal Construction Serv. Group; Coastal Construction of Palm Beach Inc; Coastal Construction of Central FL; and Coastal Construction, and made payable to different payees.



23-MJ-8605-RMM

Figure 6. Other checks from Coastal Construction of M.D. County, Inc. discovered in PIERRE's residence.

13. During the search, law enforcement observed a “Magicard” card printer near the computer which displayed check described in paragraph 11 above. Your affiant is aware that a “Magicard” card printer device is commonly used in the illicit production or reproduction of credit/debit cards and badges. Scattered around the same area were several credit cards, identification cards, blank checks stock, and a paper cutter, commonly used to trim checks. Several of the credit/debit cards were found in close proximity to the Magicard printer and were found attached to checks.



Figure 7. Magicard printer found in PIERRE's residence.

23-MJ-8605-RMM



Figure 8. Printed cards attached to checks in PIERRE's residence.

14. Law enforcement also discovered several handwritten personal checks. One such check, check number 2381, listed victim D.A. as payor, drawn on victim D.A.'s BOA account ending in # 8127, and made payable to Palm Beach County Water Utilities, in the amount of \$52.82. The check appeared to be unaltered. Investigators contacted victim D.A. Victim D.A. was shown a photograph of check #: 2381 which he identified as a check he wrote. Victim D.A. advised that he mailed the check in May of 2023, via the United States Postal Service and explained that he subsequently closed BOA account ending in # 8127 after someone, without authority, on June 2, 2023, cashed check #: 2409, made payable in the amount of \$2,791.00.

15. Shortly after check #: 2409 was cashed, victim D.A. advised that he received a phone call from an unknown Subject purporting themselves to be a representative of Bank of America. Victim D.A. stated he provided his personal identifying information to the caller before he realized that the caller was not actually from the bank.

23-MJ-8605-RMM

16. Victim D.A. advised that BOA officials detected that the check number was out of sequence and he was alerted. It was discovered that a short time after victim D.A. had provided his personal identifiers to the unknown person posing as a BOA employee, someone remotely accessed his account and electronically transferred approximately \$6,000 to an unknown and unidentified business account.

17. During the search, law enforcement discovered victim D.A.'s check 2381, with a Post-It Note attached which read "\$8,000 Angelyne, [redacted]-2398; 2409 *ME." Victim D.A. confirmed that the social security number ending in 2398 written on the Post-It Note belonged to him. It is notable that number "2409" reflected on the Post-It Note corresponds with the unauthorized check 2409 drawn on victim D.A.'s BOA account, which was negotiated.

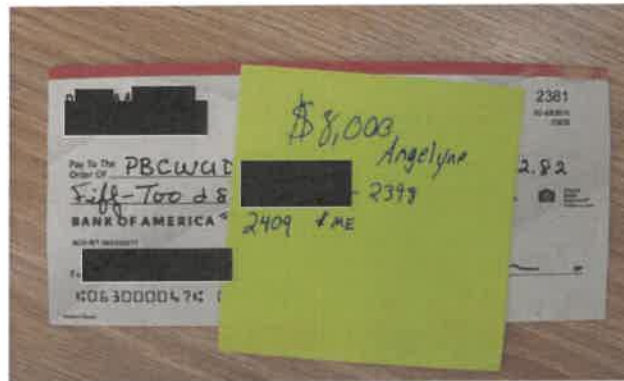


Figure 9. Victim D.A.'s check #: 2381 with Post-It Note, found in PIERRE's residence.

18. A second check discovered by law enforcement in PIERRE's bedroom was a check which reflected check #: 3307 and listed as payor, the business account of victim E.V., in the same name. Check #: 3307 was drawn on victim E.V.'s First Bank of the Palm Beach business account ending in #: 5593 and made payable to Boca Raton Finance Department in the amount of \$115.08. Victim E.V., an attorney, provided a statement and identified check as one of her business checks.

23-MJ-8605-RMM

Victim E.V. reported that the check was written to the City of Boca Raton in or around July 2023, and subsequently mailed via United States Postal Service mail service. Victim E.V. reviewed check #: 3307 and advised that it did not appear to be altered. Victim E.V. advised that she did not know PIERRE or B.E. and did not authorize either PIERRE or B.E. to possess or use the access device depicted on the check.

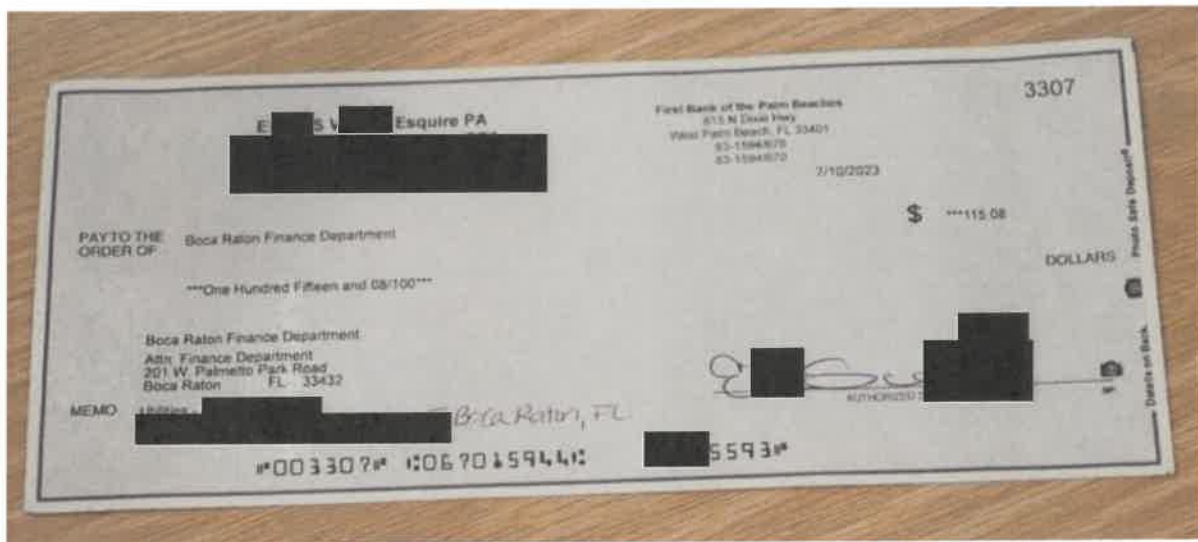


Figure 10. Victim E.V.'s check located inside of PIERRE's residence.

19. The following loaded firearms were seized during the execution of the search warrant at PIERRE's residence:

- a. Glock 43X 9mm pistol, black in color, s/n BWCK009, with a Glock 48 slide, extended magazine with seventeen (17) 9mm rounds;
- b. Glock 43 9mm pistol, black and gold in color, s/n BYBY247 with a black and gold ZP slide, extended magazine and sixteen (16) 9mm rounds;
- c. Glock 48 9mm pistol, black in color, s/n BVPA734, with a Glock 43X slide, magazine with nine (9) 9mm rounds;
- d. Zastava ZPAP92 7.62x39mm rifle, black in color, s/n Z92-080829, magazine with thirty-two (32) 7.62x39mm live rounds; and

23-MJ-8605-RMM

- e. Springfield Armory Saint Victor multi-caliber rifle s/n ST241044, black in color, 5.56 magazine with ten (10) .223 live rounds, Streamlight attachment and sight attachment.

The Glock 43X was discovered in a silver Jeep, bearing Florida Tag number 5712AU, registered to a leasing entity, parked in the driveway of PIERRE's residence. The four remaining firearms were located in the master bedroom: two loaded rifles were located under the bed, and two loaded handguns were located adjacent to computer described above in paragraph 11, which displayed the image of the check. Your Affiant notes that the Glock 43 and Glock 43X contained loaded magazines similar in size, color and shape to the model depicted in the photo of the ATM August 18, 2023 check deposit.



Figure 11. Glock 43X located in PIERRE's vehicle.

23-MJ-8605-RMM



Figure 12. Glock 43 Located in Master Bedroom Near Computer

20. A Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) firearm expert conducted an interstate nexus examination of the seized firearms and ammunition and found that that the seized firearms and ammunition were all manufactured outside the State of Florida, thus, their discovery in the State of Florida indicates that the firearms and ammunition found in PIERRE's residence, traveled in interstate commerce.

21. Based upon the facts set forth in this affidavit, I respectfully submit that there is probable cause to believe that on November 15, 2023, PIERRE did commit the following criminal offenses: possession of a firearm by a prohibited person - convicted felon, in violation of Title 18, United States Code, Section 922(g)(1); passing a counterfeit obligation of an organization, in violation of Title 18, United States Code, Section 513(a); possession of five or more identification documents in violation of Title 18, United States Code, Section 1028(a)(3); possession of fifteen or more unauthorized or counterfeit devices in violation of Title 18, United States Code, Section

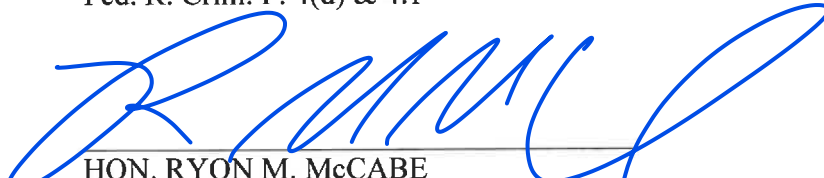
23-MJ-8605-RMM

1029(a)(3); and aggravated identity theft in violation of Title 18, United States Code, Section 1028A(a)(1).

FURTHER YOUR AFFIANT SAYETH NAUGHT.


Raymond Lagor
Task Force Officer, FBI

Sworn and attested to me by
Affiant on December 14, 2023,
by Telephone (Facetime) per
Fed. R. Crim. P. 4(d) & 4.1


HON. RYON M. McCABE
UNITED STATES MAGISTRATE JUDGE